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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,936	04/28/2005	Tatsuo Sudoh	0033.0996PUS1	3091

2292 7590 04/03/2009
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EXAMINER

DASGUPTA, SOUMYA

ART UNIT	PAPER NUMBER
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2176

NOTIFICATION DATE	DELIVERY MODE
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04/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/532,936	Applicant(s) SUDOH ET AL.	
	Examiner SOU MYA DASGUPTA	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 1-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 61-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/25/08, 7/25/08, 4/04/08, 10/13/06, 4/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the initial office action based on 10/532,936 application filed on 4/28/2005. The application is a 371 of PCT/JP03/15824 dated 12/10/2003. Claims 61-66, as originally filed, are currently pending and have been considered below. Claim 61 is an independent claim.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C.121:

I. Claims 1-35 and 42-59 are drawn to scripting functions of multimedia data within a template, classified in class 715 subclass 235.

II. Claims 36-41, drawn to selecting and rendering functions on a template from a list of templates, classified in class 715 subclass 739 and in class 345 subclass 421.

III. Claims 61-66, drawn to processing media data on a timeline or a schedule, classified in class 715 subclass 723.

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In

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the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because multimedia data on a timeline is independent from selecting a template from a list of templates and is independent from using scripting functions on a multimedia data in a template. Claims 1-35 and 42-59 of invention I do not rely processing media data on a timeline or a schedule and selecting and rendering functions on a template from a list of templates. On the other hand Claims 36-41 of invention II do not use scripting functions on a multimedia data within a template and do not render multimedia data on a timeline. And Claims 61-66 do not require a user to select a template from a list of templates as well as scripting functions on a multimedia data within a template.

3. During a telephone conversation with Aslan Etadier attorney for Applicant on Monday March 23th 2009 a provisional election was made without traverse to prosecute the invention of III, claims 61-66. Applicant in replying to this Office action must make affirmation of this election. Claims 1-60 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 61-65 are rejected under 35 U.S.C. 102(b) as being anticipated by Kusanagi (US 6,670,966; Patent Issue Date: Dec 30, 2003; PCT Filing Date: Nov 9, 1999; PCT Publish Date (WO00/28543): May 18, 2000; hereafter Kusanagi) .

Claim 61:

Kusanagi discloses **a recording medium recording multimedia contents data having a data structure, which is processed in a data processing device that includes a reproducing unit for reproducing media data and an inputting unit for receiving an input operation from a user, and which includes: (Fig 20 → Kusanagi discloses this limitation in that the user can edit or create a video output file by adding and deleting features such as videos , effects, music, etc.)**

a reproduction describing unit for showing media data that is reproduced in said reproducing unit of said data processing device; (Fig 20 → Kusanagi discloses this limitation in that the user can edit or create a video output file by adding and deleting features such as videos , effects, music, etc.)

an input operation describing unit for showing an input operation that is received by said inputting unit of said data processing device and a process that corresponds to said input operation; (Fig 20 → Kusanagi discloses this limitation in

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that the user can edit or create a video output file by adding and deleting features such as videos , effects, music, etc. Kusanagi discloses an "input operation" in that the user can input the features unto the video.)

and a schedule describing unit for managing time of effect of said media data that is reproduced in said reproducing unit of said data processing device and time of effect of said input operation that is received by said input unit, (Fig 20 →

Kusanagi discloses this limitation in that the user can edit the video with respect to a timeline.)

wherein said multimedia contents data is processed so that predetermined media data is reproduced in said reproducing unit of said data processing device at a predetermined time on the basis of said schedule describing unit, (Fig 20 →

Kusanagi discloses this limitation in that the user can edit the video with respect to a timeline. Each feature can be designated a certain time frame.)

a predetermined input operation is received by said inputting unit of said data processing device at said predetermined time, (Fig 20 → Kusanagi discloses this limitation in that the user can edit the video with respect to a timeline. Each feature can be designated a certain time frame.)

and said data processing device carries out a process that corresponds to said predetermined input operation at said predetermined time on the basis of said input operation describing unit. (Fig 20 → Kusanagi discloses this limitation in that the final video is comprised of segmented features that are all coordinated in a time line.)

Claim 62:

Kusanagi discloses **the recording medium recording multimedia contents data having a data structure according to claim 61, wherein said process that corresponds to said input operation received by said input unit of said data processing device is a process for adding a change to said multimedia contents data.** (fig 20 → Kusanagi discloses this limitation in that the user can edit the media.)

Claim 63:

Kusanagi discloses **the recording medium recording multimedia contents data having a data structure according to claim 62, wherein said process for adding said change to said multimedia contents data is a process for replacing a portion of said multimedia contents data.** (Fig 20 → Kusanagi discloses this limitation in that the user can edit the video with respect to a timeline. Each feature can be designated a certain time frame.)

Claim 64:

Kusanagi discloses **the recording medium recording multimedia contents data having a data structure according to claim 62, wherein said process for adding said change to said multimedia contents data is a process of adding data that is obtained by replacing a portion of said multimedia contents data to said contents data.** (Fig 20 → Kusanagi discloses this limitation in that the user can edit the video with respect to a timeline. Each feature can be designated a certain time frame.)

Claim 65:

Kusanagi discloses **the recording medium recording multimedia contents data having a data structure according to claim 62, wherein said process for adding said change to said multimedia contents data is a process for adding data that is obtained by replacing a portion of said multimedia contents data in a predetermined subsequent process to said multimedia contents data.** (Fig 20 → Kusanagi discloses this limitation in that the user can edit the video with respect to a timeline. Each feature can be designated a certain time frame.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kusanagi (US 6,670,966; Patent Issue Date: Dec 30, 2003; PCT Filing Date: Nov 9, 1999; PCT Publish Date (WO00/28543): May 18, 2000; Assignee: Sony; hereafter Kusanagi) in view of Morris et al (US 5,862,372; Patent Issue Date: Jan 19, 1999; Patent Filing Date: Nov 16, 1994; hereafter Morris).

Claim 66:

Kusanagi discloses the limitations of Claim 61.

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Kusanagi does not appear to explicitly disclose **the recording medium recording multimedia contents data having a data structure according to claim 61, wherein said multimedia contents data is data that is described in script language.**

Morris discloses **the recording medium recording multimedia contents data having a data structure according to claim 61, wherein said multimedia contents data is data that is described in script language.**(Figs 3-5; Col 3, lines 28-61 → Morris discloses this limitation in that objects on the GUI are implemented in script language.)

Kusanagi and Morris are analogous art because they are from the same field of endeavor of media sequence editing.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Kusanagi and Morris before him or her, to incorporate a media editor that incorporates multiple objects and files such as video and music in a timeline, as disclosed by Kusanagi, with a media sequence editor that uses script, as disclosed by Morris .

The motivation for doing so would have been to allow media sequences to run without compiling and speed up the system process.

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Therefore, it would have been obvious to combine Kusanagi with Morris to obtain the invention as specified in the instant claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOUMYA DASGUPTA whose telephone number is (571)272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/DOUG HUTTON/
Supervisory Patent Examiner, Art Unit 2176